

1 Leslie R. Weatherhead, WSBA No. 11207
2 Mary E. DePaolo, WSBA No. 30604
3 Witherspoon, Kelley, Davenport & Toole, P.S.
4 1100 U. S. Bank Building
5 422 West Riverside Avenue
6 Spokane, WA 99201
7 509 624 5265

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 29 2001

JAMES P. LAMSEN, CLERK
SPokane, WASHINGTON DEPUTY

8 Attorneys for Defendants Christine A. Larson
9 and John Doe Larson

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 ROBERT J. PARKER,

13 Plaintiff,

14 vs.

15 CHRISTINE A. LARSON and JOHN
16 DOE LARSON,

17 Defendants.

CS-01-0280-FVS

No.

PETITION FOR REMOVAL
TO U.S. DISTRICT COURT

18 Pursuant to 28 U.S.C. § 1446(b), defendant Christine A. Larson files the
19 instant Petition to remove the above-captioned matter from the Superior Court
20 of Spokane County, State of Washington, to the United States District Court for
21 the Eastern District of Washington.
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28 PETITION FOR REMOVAL TO
U.S. DISTRICT COURT - 1

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WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201-0302
(509) 624-5265

1

I.

On April 6, 2001, Plaintiff filed his Complaint against Defendant Christine A. Larson and John Doe Larson. Service was effected on Defendant Christine A. Larson in Arizona on April 19, 2001. Plaintiff's Complaint does not state the amount in controversy. A true copy of the Summons and Complaint is attached to this Petition as Exhibit "A."

II.

On July 20, 2001, Defendant requested a Statement of Damages from Plaintiff. A true and correct copy of the request for damages is attached to this Petition as Exhibit "B."

III.

On August 16, 2001 Plaintiff's response to Defendant's request for damages was received. Plaintiff's response requests in excess of \$100,000 in damages and is the first document wherein the Defendant could ascertain that the case is one which can be removed to the United States District Court. A true and correct copy of the response to Defendant's request for damages is attached to this Petition as Exhibit "C."

IV.

Plaintiff Robert J. Parker resides in Spokane County, Washington.

V.

Defendant Christine A. Larson resides in Fairfax County, Virginia.

VI.

The amount in controversy exceeds \$75,000, exclusive of interest and costs.

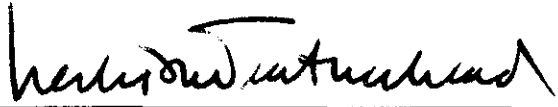
VII.

Jurisdiction exists in this court, pursuant to 28 U.S.C. § 1332(a) as this is a civil action involving claims in excess of \$75,000 between citizens of different states.

WHEREFORE, Defendants pray that this case be removed to the United States District Court for the Eastern District of Washington.

DATED this 29th day of August, 2001.

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

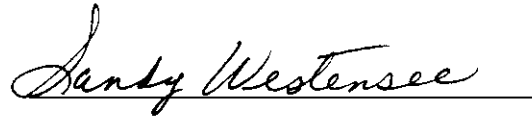
By 
Leslie R. Weatherhead, WSBA No. 11207
Mary E. DePaolo, WSBA No. 30604
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was this 29th
day of August, 2001, placed in the U. S. Mail, postage prepaid, addressed to:

Michael J. Walker
Delay, Curran, Thompson,
Pontarolo & Walker, P.S.
601 West Main, Suite 1212
Spokane, WA 99201-0684

Diana E. Godwin
1000 SW Broadway, Suite 1500
Portland, Oregon 97205



PETITION FOR REMOVAL TO
U.S. DISTRICT COURT - 4
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EXHIBIT A

COPY
ORIGINAL FILED
APR 06 2001
SUPERIOR COURT
SPOKANE, CO.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

ROBERT J. PARKER,

Plaintiff,

vs.

CHRISTINE A. LARSON and JOHN DOE
LARSON,

Defendants.

No.

01202027-1

COMPLAINT FOR PERSONAL INJURY/
WRONGFUL USE OF A CIVIL
PROCEEDING/DEFAMATION/
OUTRAGE

Plaintiff, Robert J. Parker, by and through the undersigned attorneys, Delay,
Curran, Thompson, Pontarolo & Walker, P.S., by MICHAEL J. WALKER, alleges as
follows:

I.
JURISDICTION

1. Plaintiff is, and at all times material to this Complaint was, a resident of
Spokane County, Washington.

2. At all times material to this Complaint, Defendant, Christine A. Larson,
was a resident of Spokane, Washington.

COMPLAINT FOR PERSONAL INJURY - 1

Delay, Curran, Thompson, Pontarolo & Walker, P.S.
ATTORNEYS AT LAW
601 West Main, Suite 1312
Spokane, Washington 99201-1684
(509) 455-9500

COPY

1 5. As a direct result of Defendant Christine A. Larson's wrongful action in
2 initiating the wrongful civil proceeding, Plaintiff was forced to defend himself in a
3 contested case proceeding held before the Board of Physical Therapy.
4

5 6. As a direct result of Defendant Christine A. Larson's wrongful use of a
6 civil proceeding, Plaintiff suffered the damages alleged in Section VI hereafter.
7

8 III.
9 DEFAMATION/LIBEL

10 1. Plaintiff reiterates all averments in Section II above in this cause of
11 action.
12

13 2. Defendant Christine A. Larson intentionally or with reckless disregard
14 as to the falsity thereof, made and published baseless and malicious charges/
15 accusations against Plaintiff to third party(ies) and the Board of Physical Therapy of
16 the State of Washington, alleging that Plaintiff was practicing in violation of the
17 physical therapy licensing law.
18

19 3. Defendant Christine A. Larson acted in bad faith in making the
20 statements/charges against Plaintiff because she had no reasonable basis for stating
21 that Plaintiff was violating the physical therapy practice law.
22

23 4. Defendant Christine A. Larson's statements defamed Plaintiff and
24 harmed his professional reputation.
25

26 5. As a direct result of Defendant Christine A. Larson's reckless and bad
27 faith actions, Plaintiff suffered the damages alleged in Section V hereafter.
28
29
30

IV.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff reiterates all averments in Sections II and III above in this cause of action.

2. Defendant Christine A. Larson filed the baseless complaint against Plaintiff in order to harm Plaintiff because he was still employed, and was up for promotion by the same employer that has fired her.

3. Defendant Christine A. Larson knew that, or was reckless with regard to whether, her actions in filing a baseless and bad faith complaint with the Board of Physical Therapy and publishing defamatory statements to third party(ies) would inflict emotional distress on Plaintiff by causing harm to his personal and professional reputation and by subjecting him to personal and financial distress.

4. Defendant Christine A. Larson's actions were intentional and/or reckless.

5. Defendant Christine A. Larson's actions were extreme and outrageous.

6. Defendant Christine A. Larson's actions constituted intentional infliction of emotional distress.

7. As a direct result of Defendant Christine A. Larson's conduct, Plaintiff suffered emotional distress and suffered the damages alleged in Section VI hereafter.

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COMPLAINT FOR PERSONAL INJURY - 4

DeJoy, Curran, Thompson, Pomarole & Walker, P.S.
ATTORNEYS AT LAW
601 West Main, Suite 1212
Spokane, Washington 99201-0684
(509) 435-0500

V.
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff reiterates all averments in Sections II through VI above under this cause of action.

2. Defendant Christine A. Larson's actions constituted negligent infliction of emotional distress.

3. As a direct result of Defendant Christine A. Larson's actions, Plaintiff suffered emotional distress and suffered the damages alleged in Section VI hereafter.

VI.
DAMAGES

1. As a direct result of Defendant Christine A. Larson's actions, Plaintiff has suffered mental pain, inconvenience, embarrassment, and damage to his professional reputation and his peace of mind.

2. As a direct result of Defendant Christine A. Larson's actions, Plaintiff has sustained a loss of earnings and incurred expenses, including attorney fees, to defend himself in the wrongful civil proceeding initiated by Defendant Christine A. Larson, all in amounts to be proven at the time of trial.

WHEREFORE, Plaintiff prays for judgment against Defendants for a sum of money that will reasonably and justly compensate Plaintiff for all general and specific damages sustained, prejudgment interest on incurred special damages, reimbursement of attorney fees and taxable costs, and for such other and further relief as to the Court may appear just and equitable.

COMPLAINT FOR PERSONAL INJURY - 5

Delay, Curren, Thompson, Pomarolo & Walker, P.S.
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601 West Main, Suite 1212
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(509) 455-9300

1 DATED this 6th day of April, 2001.

2 DELAY, CURRAN, THOMPSON,
3 PONTAROLO & WALKER, P.S.

4
5 By Michael J. Walker
6 MICHAEL J. WALKER, WSBA No. 18359
7 Attorneys for Plaintiff
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COMPLAINT FOR PERSONAL INJURY - 6

Delay, Curran, Thompson, Pontarolo & Walker, P.S.
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(509) 433-9500

EXHIBIT B

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

ROBERT L. MAGNUSON
NED M. BARNES
WILLIAM D. SYMMES**
ROBERT H. LAMP
K. THOMAS CONNOLLY
THOMAS D. COCHRAN
DUANE M. SWINTON
JOSEPH H. WESSMAN
JEFFREY L. SUPINGER*
DONALD J. LUKES+
LESLIE R. WEATHERHEAD*
MICHAEL D. CURRIN
BRIAN T. REKOFKE*
EDWARD J. ANSON++
R. MAX ETTER, JR.
STANLEY R. SCHULTZ
MICHAEL F. NIENSTEDT*
JOHN M. RILEY III
DENNIS M. DAVIS++
F. J. DULLANTY, JR.
DANIEL E. FINNEY
MARY R. GIANNINI+
TIMOTHY M. LAWLOR
CLAUDE F. BAILEY
WILLIAM M. SYMMES
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MARK A. ELLINGSEN*
DAVID M. KNUTSON
JODY M. McCORMICK
SHELLEY N. SWANSON
JOEL P. HAZEL*
CHRISTOPHER G. VARALLO*
STANLEY M. SCHWARTZ
KIMBERLY A. KAMEL
L. VICTORIA MEIER
MARY E. DePAOLO
RYAN M. BEAUDOIN

OF COUNSEL

WM. A. DAVENPORT
JOHN E. HEATH, JR.
ALLAN H. TOOLE
WILLIAM V. KELLEY
KARL K. KROGUE

*Also admitted in Idaho
+Also admitted in New York
** Also admitted in California
++ Admitted in Idaho only
‡Also admitted in Oregon
-Also admitted in Montana

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July 20, 2001

Mr. Michael J. Walker
DELAY, CURRIN, THOMPSON,
PONTAROLO & WALKER, P.S.
601 West Main, Suite 1212
Spokane, WA 99201-0684

Ms. Diana E. Godwin
Suite 1500
1000 SW Broadway
Portland, OR 97205

Re: **Robert J. Parker v. Christine A. Larson, et al.**

Dear Mr. Walker and Ms. Godwin:

Pursuant to your Complaint based on wrongful use of a civil proceeding, defamation, intentional infliction of emotional distress and negligent infliction of emotional distress; I am requesting a specific dollar amount of damages you intend to recover. Please inform me of the amount damages you intend to pursue at your earliest convenience.

Very truly yours,

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

By


Leslie R. Weatherhead

EXHIBIT C

DIANA E. GODWIN
ATTORNEY AT LAW
SUITE 1500
1000 S.W. BROADWAY
PORTLAND, OREGON 97205
TELEPHONE (503) 224-0016 • FACSIMILE (503) 228-7112
E-MAIL: degan@aoi.com

August 16, 2001

VIA FAX (509) 458-2728 and Original by Mail

Leslie R. Weatherhead
WITHERSPOON, KELLEY, DAVENPORT & TOOLE
1100 U.S. Bank Building
422 West Riverside
Spokane, Washington 99201-0300

RE: Robert J. Parker v. Christine A. Larson, et al.

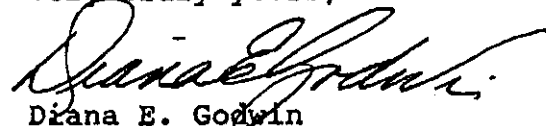
Dear Mr. Weatherhead:

Please be advised that my client, Robert J. Parker, will file a Motion and Order for Default Judgment against your client unless an Answer to the Complaint is filed by August 29, 2001. As you know, there is a status conference scheduled with Judge Cozza on August 31st and if it becomes necessary to file for Default we will want to do it before that date.

Your client was served with summons on April 20, 2001. The allowed 60 days for response has long since past. Your client's Answer has not been forthcoming despite a reminder letter to you of July 5, 2001 from my co-counsel, Michael Walker, asking that you promptly file an Answer. I have received no response from you to the two telephone messages I left on August 14th and 15th.

On August 6, 2001, I received a letter from you dated July 20, 2001, wherein you requested the specific dollar amount of damages that we intend to pursue on behalf of Mr. Parker. Mr. Walker received the same letter on August 2nd. Given that Mr. Parker sustained provable special damages in excess of \$25,000 as a result of your client's malicious actions against him, we expect to persuade the jury to award total damages in excess of \$100,000.

Very truly yours,


Diana E. Godwin

parker\1775

cc: Robert J. Parker
Michael J. Walker, Esq.